

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID REED,

Defendant.

Case No. 93-cr-40050-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on defendant David Reed's motion to reconsider the Court's May 14, 2010, order (Doc. 185) denying his motion for leave to proceed *in forma pauperis* (Doc. 180) in his appeal of the Court's April 21, 2010, order dismissing for lack of jurisdiction Reed's *pro se* motion for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual § 1B1.10 (Doc. 166) and granting his counsel's motion for leave to withdraw (Doc. 172). Reed should have filed his motion for reconsideration in the Court of Appeals as a motion for leave to proceed *in forma pauperis*, which is the next step in a party's effort to obtain pauper status on appeal after a district court has denied him permission. *See* Fed. R. App. P. 24(a)(5). The Court **TRANSFERS** the pending motion (Doc. 185) to the Court of Appeals and finds that the motion (Doc. 185) is **MOOT** at the District Court level.

**IT IS SO ORDERED.**

**DATED: June 17, 2010**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**